

outlay of only five thousand dollars above the proposition from the city water works company, to establish and maintain such a separate system. In addition to the foregoing appropriations, the committee recommend that when such new buildings shall be completed, and the capacity of the institution enlarged, that an appropriation be made of one hundred and fifty dollars per annum for each inmate received. Estimating the capacity of such additions as affording room for three hundred more inmates than are now in the institution, we suggest that an annual appropriation of forty-five thousand dollars be made, and so framed and guarded as to authorize the disbursement thereof of one hundred and fifty dollars per capita, annually, on the sworn report of the superintendent of the number of such additional inmates as may be received.

In case the suggestion of the committee making appropriation for separate water works is not adopted, then we suggest that the amount of fifteen thousand dollars, the amount estimated for connecting asylum with city water works, be allowed, and also the sum of eighteen hundred dollars be annually appropriated to pay said city water works for supplying said asylum with water.

All of which is respectfully submitted.

HENDERSON, Chairman.

Report read, and, on motion of Senator Henderson, referred to Committee on Finance.

Senator Powers moved to adjourn till to-morrow morning at 10 o'clock. Withdrawn.

Senators Stewart and Henderson, having been appointed on a committee to visit the Agricultural and Mechanical College, and they being on important committees in the Senate, the President appointed to act in their places on said committee Senators Shannon and Harris.

Senator Buchanan of Wood moved that Senator Henderson be excused till Monday next. Adopted.

The following House bills were taken up and referred by the President as follows:

House bill No. 345, "An act to create the Thirty-fourth Judicial District and prescribing the time of holding district courts therein, and to provide for the appointment of a district judge and district attorney therein." Referred to Committee on Judicial Districts.

House bill No. 26, "An act to amend chapter 3, title 17, of the Penal Code of Texas, by adding after article 683, 683a." Referred to Judiciary Committee No. 2.

Also, House bill No. 223, "An act to amend sections 1 and 6 of 'an act to provide for the sale of a portion of the unappropriated public lands of the State of Texas, and the investment of the proceeds of such sale,' passed at the special session of the Sixteenth Legislature." Referred to Committee on Public Lands.

On motion of Senator Gooch, Senator Stubbs was excused until to-morrow.

On motion of Senator Buchanan of Grimes, Senator Hightower was added to Committee on Judicial Districts.

On motion of Senator Lane, Senate adjourned till to-morrow morning at 10 o'clock.

### THIRTY-SECOND DAY.

SENATE CHAMBER,  
AUSTIN, February 16, 1881. }

The Senate met pursuant to adjournment; the President in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

On motion of Senator Rainey, the reading of the journal of yesterday was dispensed with.

On motion of Senator Houston, a correction was made in the journal, which was adopted as corrected.

Senator Powers presented a petition signed by citizens of Nueces and Live Oak counties, asking the Legislature to pass an act submitting to the voters of the State a constitutional amendment prohibiting the importation and sale and manufacture of intoxicating liquors as a beverage in Texas, to be

voted on at the next State election. Referred to the Committee on Constitutional Amendments.

Senator Martin of Navarro presented a memorial signed by the county surveyor and certain other citizens of Navarro county, asking for the passage of a law relating to the duties of county surveyors, etc. Referred to the Committee on Land Office.

Senator Wynne presented a memorial of citizens of Texas, asking that the Legislature shall pass an act submitting a constitutional amendment prohibiting the importation, sale and manufacture of intoxicating liquors, as a beverage, in Texas, to be voted on at the next election. Referred to Committee on Constitutional Amendments.

Senator Terrell, chairman of Judiciary Committee No. 1, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, February 16, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred the "memorial of Mrs. A. E. Hubby, for herself and other teachers, asking payment for services rendered as teachers of free schools in 1871," being of opinion that the character and subject matter of said memorial is such as to render it proper for the consideration of your Committee on Educational Affairs, have instructed me to report it back, with request that it be referred to said last named committee.

TERRELL, Chairman.

Report read and adopted, and memorial so referred.

COMMITTEE ROOM,  
AUSTIN, February 16, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 174, being "An act to amend chapter 4, title 93, Revised Civil Statutes, relating to stock," have had the same under consideration, and I am instructed to report it back, with recommendation that it do pass.

TERRELL, Chairman.

Bill read first time.

Senator Weatherred, chairman of Committee on Judicial Districts, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, February 16, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Judicial Districts have had under consideration the petition of citizens of Motley county, asking that said county be attached to Baylor county, for judicial purposes and instruct me to return the same to the Senate with the statement that this committee has recommended the passage of a bill creating the Thirty-fourth Judicial District, in which is comprised the county of Motley.

WEATHERRED, Chairman.

COMMITTEE ROOM,  
AUSTIN, February 16, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Judicial Districts, to whom was referred House bill No. 345, entitled, "An act to create the Thirty-fourth Judicial District, and prescribing the time of holding district courts therein, and to provide for the appointment of a district judge and district attorney therein," have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WEATHERRED, Chairman.

Bill read first time.

Senator Moore, chairman of Committee on Stock and Stockraising, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 16, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Stock and Stockraising, to whom was referred petition of fifty-three citizens of Fort Bend county, asking that the inspection be extended over said county, have had the same under consideration and I am instructed by the committee to report that the prayer of the petitioners has been provided for in Senate bill No. 35. They respectfully report it back to the Senate and ask to be discharged from further consideration of said petition.

MOORE, Chairman.

Senator Houston, chairman of Committee on Constitutional Amendments submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, February 15, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Constitutional Amendments to whom was referred Senate joint resolution No. 40, entitled "Joint resolution amending section 17, article 5, of the Constitution, so that the number of terms of the county court for civil and criminal business in each of the counties of this State may be prescribed by the county commissioners' court of the counties respectively," have duly considered the same, and instruct me to report it back and recommend that it do pass.

HOUSTON, Chairman.

Resolution read first time.

COMMITTEE ROOM,  
AUSTIN, February 15, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Constitutional Amendments to whom was referred Senate joint resolution No. 55, entitled "An act to amend article 6, of the Constitution of the State of Texas, by adding to said article a section restricting suffrage in Texas to those who pay their taxes, and to prescribe an oath to be taken before voting, if required by challenge," have had the same under consideration and instruct me to report it back with the accompanying amendment, and as amended, to recommend that it do pass.

HOUSTON, Chairman.

Amendment—Insert after the word "all," in line 29, "State and county."

Resolution read first time, with amendment.

COMMITTEE ROOM,  
AUSTIN, February 16, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 29, entitled "An act to amend section 11, of article 1, of the Constitution of the State of Texas," have had the same under consideration, and instruct me to report it back with the following substitute, and as substituted, recommend that it do pass.

HOUSTON, Chairman.

*Be it resolved by the Legislature of the State of Texas, That section 11, article 1, of the Constitution of the State of Texas be so amended as to read as follows, viz:*

Sec. 11. All prisoners shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident, except those who may be charged by complaint or indictment with felonious homicide, in which cases no bail shall be allowed, except upon a trial by writ of habeas corpus before the district judge of the district where in the offense was committed, or any judge of a district court, or any superior court in this State, and there only where the proof shows that the offense committed is of the grade of manslaughter. And in cases where it can be shown that the State has, after indictment found, twice continued the case, then bail may be awarded if the judge or court to whom application has been made shall deem it proper.

Resolution read first time, with substitute.

Senator Houston introduced a bill entitled "An act to amend title 15, chapter 4, article 1098, of the Code of Criminal Procedure." Referred to Judiciary Committee No. 2.

Senator Burges introduced a bill entitled "An act for the relief of the heirs of Lieut. Samuel Wilson, deceased, who fell at Fannin's massacre in 1836." Referred to Committee on Private Land Claims.

Senator Swain, chairman of Committee on Penitentiaries, by leave, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 16, 1881.

Hon. L. J. Storey, President of the Senate:

Your joint sub-committee appointed to visit the penitentiaries at Huntsville and Rusk, and inquire into "the condition, management and capacity of said institutions," beg leave to report that your committee left the capital on Tuesday, the first day of February, inst., and proceeded directly to Rusk, arriving at the last named place on the morning of the second instant.

Your committee found, in appearance, a magnificent prison building containing five hundred and twenty-eight cells. The material used in constructing this building is a kind of soft stone, in the opinion of the committee, wholly unfit for the purpose. Even at this early day, unmistakable evidences of crumbling and decay were detected. The general plan of the prison buildings is satisfactory. The bars in the cell gratings are too wide apart, being about four inches. Inmates of the cells have easy access to the locks, which

are small, of inferior quality and easily broken or picked. Your committee recommend that additional bars in the gratings be supplied, and that the use of the modern lever lock be at once adopted, as the same would be much more secure; and in case of fire or other casualty demanding it, prisoners could be released with much more ease and dispatch.

Your committee think the facilities for heating the cell building are insufficient, and should be increased, there being now only three medium sized stoves in use for that purpose.

The shops, or factory buildings, erected and in course of erection, appeared to your committee to be substantial, of good material and well adapted to the purposes for which they were designed.

For further particulars concerning the factory buildings reference is made to the report of Col. Larmour, superintending architect, a copy of which is hereto attached; and your committee take pleasure in stating that in the construction and erection of these factory buildings, the interest of the State seems to have been carefully guarded by Col. Larmour.

The prison wall enclosing the factory and other buildings—complete on three sides—is twenty-one feet high, thirty inches thick, and is well built of good, hard brick, capped with stone. The east or front side of the wall is not yet built, but is under contract. When complete, this wall will enclose an area of ten and three-tenths (10.3) acres, situated on the east side and near the brow of a steep hill, making it, in the opinion of your committee, absolutely necessary that a sewer or suitable ditch be at once provided on the north, west and south sides, to receive and conduct away the water descending the hill, which otherwise would be thrown against the walls, causing their early decay, besides keeping the prison yard constantly damp and unhealthy. The east or front wall is within a few feet of the line of the eleven acres site, upon which the prison and buildings are erected.

Your committee think it necessary that the State should own more land here, and they herewith submit a proposition by Dr. Jamison for sale to the State of a small tract lying south and east of and adjacent to said eleven acres. The purchase of the twenty-seven acres is recommended. Your committee also recommend the purchase by the State of fifty-five acres of land now owned by Messrs. Cunningham & Ellis, lying west of and adjacent to the penitentiary site. These fifty-five acres are between the penitentiary site and a tract of eleven hundred acres now owned by the State, and extend to within nine feet of the wall of the penitentiary. And should the proper drainage be provided, it is absolutely necessary that the fifty-five acres should be owned by the State, as there is not sufficient space on the present site for such drainage. The necessary sewerage for the cell buildings has been provided, but the building for cooking, dining and store-room purposes, with hospital, chapel, etc., above, has not been provided with sewerage, which, in the opinion of the committee, is eminently necessary, as the building without it, aside from being uninhabitable during wet seasons, will soon suffer material damage.

Your committee found at work at this prison about two hundred convicts; the treatment of whom was quite satisfactory. They are comfortably clad, well fed and kindly cared for when sick. Our report in relation to the treatment, etc., of the convicts is based upon information derived from conversations with officers and private citizens, and from private interviews with a number of convicts.

Your committee consider the location of this penitentiary at least an unfortunate one, in this, that it has cost, or will, when completed, for necessary grading, drainage and paving, over \$30,000 more than it would have cost if the site had been an eligible one, besides being fifteen miles from the nearest depot, and accessible only by private conveyance, over a very hilly and rough country, which makes the question of transportation a very important one, in considering what industries should be established at this prison.

Your committee feel reluctant to recommend the establishment of extensive and costly enterprises until there are better facilities for transportation, but would suggest that, if a reformatory should be established, this prison might be used as an experimental one, and that an appropriation be made to partially supply such machinery as could be used hereafter in a proper prison.

Your committee further recommend that a sufficient appropriation be made to complete the improvements now under way, to provide for a water supply, for heating purposes, also to complete the drainage, as recommended by the board in their report accompanying this.

The committee arrived at Huntsville on the morning of the third instant and remained until the afternoon of the fifth. They examined into the general management, condition and necessities of the Huntsville penitentiary. They interviewed some of the officers and employees of the prison and examined privately a few of the convicts, and fully satisfied themselves that the lessees are carrying out, in good faith their obligations to the State, and that the convicts are well fed, properly clothed, and humanely treated. A few

of the convicts complained that they had been unjustly and severely punished a few months ago; but it was ascertained that the punishment complained of had been inflicted by order of the Board of Directors, after investigation, by them and the Superintendent, of the grave offenses with which they were charged.

The committee became satisfied that no greater amount of punishment is inflicted than is necessary to preserve wholesome discipline. The prison buildings, shops, cells and the premises generally presented a neat appearance. The improvements made in the last two years are substantial, and as described by the Board of Directors in their report.

The committee recommend that the following improvements be made at Huntsville, deeming them necessary for the better security, comfort and health of the convicts, especially if the number should be largely increased within the walls; and, in the opinion of the committee, they should be made as soon as practicable:

1. That a new cell building should be erected on the north side of the prison enclosure, as it is inhuman to confine convicts in the cells in use at the present time. An increase of numbers within the walls will necessarily require additional shops and cells. The cell buildings of a prison should be entirely disconnected from the shops, so that in case of fire they will not all be destroyed. The present cell buildings are surrounded by shops, all crowded together in a very small area. They were built years ago, badly arranged, poorly ventilated, and have none of the modern appliances and improvements considered so necessary for health and comfort. By taking out the cells, which could be readily done, they could, at a small expense, be converted into spacious shops, suited to the working of several hundred convicts. The new cell building should contain five or six hundred cells, and should be supplied with the best modern appliances for ventilation, heating, lighting, water supply, etc.

2. Some suitable arrangement to extinguish fires should be provided at once.

3. It is of prime importance that a laundry and bath-house should be at once erected.

4. Provision should be made to increase the water supply.

5. An appropriation should be made to replenish the prison library and to supply newspapers and periodicals for the use of the convicts.

6. The committee think that the salaries of the physician and chaplain are inadequate, and recommend an increase.

7. The committee found much old, worn-out machinery and other useless materials which have been stored away by former lessees, and will be returned to the State. It should be condemned and sold.

8. Many of the guns used for guarding the convicts are old, worn out, and should be sold and good guns provided in their place.

9. In case of resumption at any time by the State, it will be proper that the State should own the storehouse just outside the walls, erected and owned by the present lessees; and the committee recommend that it be secured at the termination of the lease, if it can be done at actual cost for lot and building.

W. J. SWAIN, Chairman,

WM. D. LAIR,

W. A. BURGESS,

Senate Committee.

JOHN M. DANIEL, Chairman.

W. M. JOHNSON,

G. W. GRANBURY,

House Committee.

Senator Powers moved that regular business be postponed, and Senate bill No. 80, "An act to validate certain records deposited in the General Land Office," be taken up. Adopted and bill taken up.

Senator Powers offered the following amendment:

Sec. 2. That the near approach of the close of the present session of the Legislature creates an imperative public necessity for the suspension of the Constitutional rule requiring all bills to be read on three several days, and said rule is accordingly suspended, and that this act take effect and be in force from and after its passage.

Adopted and bill ordered engrossed.

On motion of Senator Homan, the rules were suspended, and bill placed on its third reading by the following vote.

YEAS—21.

Buchanan of Grimes	Houston,	Powers,
Cooper,	Lair,	Rainey,
Davenport,	Lane,	Stubbs,
Duncan,	Lightfoot,	Swain,
Gooch,	Martin of Cooke,	Terrell,
Hightower,	Martin of Navarro,	Weathered,
Homan,	Moore,	Wynne.

NAYS—none.

NOT VOTING—4.

Burges, Ross, Stewart.

Bill read third time and passed by the following vote:

YEAS—21.

Buchanan of Grimes	Homan,	Moore,
Burges,	Houston,	Powers,
Cooper,	Lair,	Rainey,
Davenport,	Lane,	Stubbs,
Duncan,	Lightfoot,	Terrell,
Gooch,	Martin of Cooke,	Weathered,
Hightower,	Martin of Navarro,	Wynne.

NOT VOTING—4.

Burton, Stewart, Swain, Ross.

Senator Houston, chairman of Committee on Constitutional Amendments, by leave, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 15, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolutions Nos. 6, 7, 8, 10, 13, 17, 26 and 28, have considered the same, and I am instructed to report them back to the Senate, with the recommendation that they lie upon the table.

These joint resolutions all propose to amend article 5 of the Constitution, or some part of said article, and your committee have heretofore reported favorably Senate joint resolution No. 37, which, in the opinion of the committee, renders further action upon these unnecessary at this time.

HOUSTON, Chairman.

Senator Homan moved that the Senate take up House bill No. 51, entitled "An act to diminish the civil and criminal jurisdiction of certain counties," which the Senate had amended, in which the House refuses to concur, and that the Senate recede from its amendments. Withdrawn.

Senator Terrell moved the appointment of a free conference committee to consider the amendments. Adopted.

Senator Martin of Cooke moved to postpone regular business and take up Senate bill No. 175, "An act to amend article 3994, of title 80, of the Revised Civil Statutes." Adopted, and bill taken up, read second time and ordered engrossed.

On motion of Senator Martin of Cooke, rules were suspended and bill put upon its third reading by the following vote:

YEAS—24.

Buchanan of Grimes	Homan,	Powers,
Burges,	Houston,	Rainey,
Burton,	Lair,	Stewart,
Cooper,	Lane,	Stubbs,
Davenport,	Lightfoot,	Swain,
Duncan,	Martin of Cooke,	Terrell,
Gooch,	Martin of Navarro,	Weathered,
Hightower,	Moore,	Wynne.

NAYS—none.

NOT VOTING.

Ross.

Bill read third time and passed by the following vote:

YEAS—24.

Buchanan of Grimes	Houston,	Rainey,
Burton,	Lair,	Ross,
Cooper,	Lane,	Stewart,
Davenport,	Lightfoot,	Stubbs,
Duncan,	Martin of Cooke,	Swain,
Gooch,	Martin of Navarro,	Terrell,
Hightower,	Moore,	Weathered,
Homan,	Powers,	Wynne.

NAYS—none.

NOT VOTING.

Burges.

Senator Burges, by leave, presented a petition of the citizens of Blanco county, requesting that the civil and criminal jurisdiction of that county be not restricted, or if it has been already restricted, that said jurisdiction be restored. Referred to Committee on State Affairs.

Senator Houston, chairman of Committee on Constitutional Amendments, by leave, submitted the following report:



COMMITTEE ROOM,  
AUSTIN, February 15, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 31, entitled "joint resolution proposing an amendment to article 16, section 20, of the Constitution of the State of Texas," have had the same under consideration, and a majority of your committee instruct me to report it back, with the accompanying amendment, and, as amended, to recommend that it do pass.

Houston, Chairman.

Amendment—Substitute the following for section 20:

Section 20. The importation into and the manufacture or sale within this State of intoxicating liquors, other than wines and beer, except for medical purposes, is prohibited, and the Legislature, at its first session after the adoption of this article shall enact laws to carry out the provisions hereof and to provide penalties for its violation.

Resolution and amendment read first time.

Senator Martin of Navarro introduced a bill entitled "An act to prescribe the times of holding the court in the counties of the Thirteenth Judicial District." Referred to Committee on Judicial Districts.

On motion of Senator Burton, regular business was postponed and Senate joint resolution No. 27, proposing to amend section 24, article 3 of the Constitution of the State of Texas, was taken up and read third time.

Senator Houston offered the following amendment:

Amend by striking out all from and including the word "usual," in the eighteenth line, down to and including the word "member," in the twentieth line, and insert "nearest and most direct route of travel, by land, regardless of railway or water routes."

No quorum voting, Senator Houston moved a call of the Senate. Call sustained.

Roll called. Absent, Senators Moore and Powers.

On motion of Senator Duncan, call was suspended; as a quorum was present.

Senator Houston's amendment was then adopted, by the following vote:

YEAS—22.		
Buchanan of Grimes	Houston,	Ross,
Burges,	Lair,	Stewart,
Cooper,	Lane,	Stubbs,
Davenport,	Lightfoot,	Swain,
Duncan,	Martin of Cooke,	Terrell,
Gooch,	Martin of Navarro,	Weatherred,
Hightower,	Rainey,	Wynne.
Homan,		

NAYS.  
Burton.

NOT VOTING—2  
Moore, Powers.

Resolution then passed, by the following vote:

YEAS—22.		
Burges,	Houston,	Ross,
Burton,	Lair,	Stewart,
Cooper,	Lane,	Stubbs,
Davenport,	Lightfoot,	Swain,
Duncan,	Martin of Cooke,	Terrell,
Gooch,	Martin of Navarro,	Weatherred,
Hightower,	Rainey,	Wynne.
Homan,		

NAYS.  
Buchanan of Grimes

NOT VOTING—2.  
Moore, Powers.

Substitute for Senate bill No. 7, "An act to provide for the sale of the alternate sections of land in this State surveyed by railroad companies and other works of internal improvements, and set apart for the benefit of the common school fund, and of the university and asylum lands, and to provide for the investment of the proceeds," being unfinished business, was taken up.

Senator Martin of Cooke moved to postpone further con-

sideration of the bill till next Monday, and that it be made special order for that day just after the morning call. Adopted by the following vote:

YEAS—16.		
Buchanan of Grimes	Lightfoot,	Stubbs,
Burges,	Martin of Cooke,	Swain,
Davenport,	Powers,	Terrell,
Houston,	Ross,	Weatherred,
Lair,	Stewart,	Wynne
Lane,		
NAYS—7.		
Cooper,	Hightower,	Martin of Navarro,
Duncan,	Homan,	Rainey.
Gooch,		
NOT VOTING—2.		
Burton,	Moore.	

Senate bill No. 108, "An act to amend articles 344, 346 and 347, title 17, of the Revised Statutes, relating to cities and towns," was taken up as special order, and, on motion of Senator Lightfoot, was postponed to take up Senate bill No. 131, "An act to amend the caption and section 3 of an act approved April 27, 1879, entitled 'an act granting a land certificate of 650 acres to each of the indigent veterans who was engaged in the struggle for Texas independence.'"

Bill taken up and read second time.

(Senator Martin of Navarro in the chair.)

Senator Lightfoot offered the following amendment:

Amend by adding the following:

Sec. 3. The near approach of the close of this session, and the fact that many of the indigent veterans are being kept out of their lands under the construction given to the old law, creates an imperative public necessity, that the constitutional rule requiring that this act be read on three several days, be suspended, and said rule is hereby suspended; and an emergency exists that this act take effect and be in force from and after its passage, and it is so enacted.

Adopted.

Senator Burgess offered the following amendment.

Provided, That all veterans who were in the actual service of Texas up to the first day of January, 1837, shall be entitled to all the benefits of this act.

Senator Powers offered the following substitute for the amendment of Senator Burges: Amend by striking out the word "indigent," wherever it occurs in the body of the bill, and that caption conform thereto. Strike out so much of the bill as relates to the indigency of the veterans and the mode of ascertaining such fact. Accepted and substitute adopted.

(President in the chair.)

Senator Gooch offered the following amendment: Amend the caption and the act so that the indigent may receive five sections each.

Adopted, and bill ordered engrossed.

A message was received from the House announcing the passage of the following bills:

House bill No. 58, entitled "An act to encourage the destruction of wolves and Mexican lions."

House bill No. 365, entitled "An act to amend sections 23 and 31 of an act entitled 'an act amendatory of and supplemental to an act entitled an act to consolidate in one act, and amend the several acts incorporating the city of Houston, in Harris county,' approved April 21, 1879."

House bill No. 385, entitled "An act to repeal an act to diminish the civil jurisdiction of the county court of Navarro county, and to conform the jurisdiction of the district court of said county to such changes," approved July 2, A. D. 1879."

Senate bill No. 104, entitled "An act prescribing the times for holding terms of the county courts for criminal business in Grayson and Dallas counties," and

Senate bill No. 155, entitled "An act to reorganize the twenty-fifth judicial district of the State of Texas, and to prescribe the times for holding the district courts therein."

The President after reading their captions, signed the following bills:



Senate bill No. 31, entitled "An act to amend article 1547, of the Revised Civil Statutes," passed February 21, 1881, and Senate bill No. 14, entitled "An act to establish a rule governing the defense of intoxication, and of temporary insanity produced by the excessive voluntary recent use of ardent spirits, in criminal causes in this State."

Senate bill No. 108, entitled "An act to amend articles 344, 346, and 357, title 17, of the Revised Civil Statutes of the State of Texas, relating to cities and towns," being the special order was taken up and considered.

Senator Gooch moved to amend committee amendments by striking out the word "the" before the word "office," and inserting the word "any" in lieu thereof. Adopted, and committee amendments read and adopted.

Senator Powers offered the following amendment:

*Provided*, that the provisions of this act shall not extend to any city or town not heretofore incorporated under the general laws of this State.

On motion of Senator Duncan the bill and pending amendment were postponed until to-morrow morning after the morning call, and made the special order for that hour, and continued from day to day until disposed of.

On motion of Senator Ross, the Senate adjourned until 10 o'clock A. M. to-morrow.

### THIRTY-THIRD DAY.

SENATE CHAMBER,  
AUSTIN, February 17, 1881.

Senate met pursuant to adjournment; President Storey in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

On motion of Senator Burton, the reading of the journals of yesterday was dispensed with.

On motion of Senator Powers, a correction was made in the journal, and the same adopted.

Senator Davenport presented a petition from citizens of Callahan county, Texas, asking the Legislature to pass an act restoring the civil and criminal jurisdiction of the county court of that county. Referred to Judiciary Committee No. 1.

Also, a petition of citizens of Comanche county, asking the Legislature to oppose any amendment of the Sunday law weakening its efficiency. Referred to Committee on State Affairs.

Senator Martin of Navarro entered a motion to reconsider the vote had on yesterday passing Senate joint resolution No. 27, entitled "Joint resolution proposing to amend section 24, of article 3, of the Constitution of the State of Texas."

On motion of Senator Houston, the Secretary of the Senate was excused for to-day on account of sickness.

Senator Terrell, chairman of Judiciary Committee No. 1, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, February 17, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 103, to be entitled "An act to give to married women the right to control, manage, and dispose of their separate property, etc.," have, after careful consideration, instructed me to report the same back with recommendation that it do not pass.

The bill proposes to give a married woman all the rights in the management and control of her separate property now possessed by an unmarried woman, and would be, in the judgment of the committee, a dangerous innovation on existing law.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 17, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 168, being "An act to amend articles 221 and 222 of the

Revised Civil Statutes of the State of Texas," have had the same under consideration, and have instructed me to report it back with recommendation that it do not pass. The bill proposes a change of the law admitting attorneys to practice.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 17, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 165, being "An act to amend section 4 of article 1645, title 33, of the Revised Civil Statutes of the State of Texas," have had the same under consideration, and have instructed me to report it back with recommendation that it do not pass, for the reason that they deem the change in the existing law contemplated by the bill to be inadvisable. The bill proposes to make a change in the law governing inheritances.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 17, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 129, being "An act to amend article 1379, chapter 18, title 29, of the Revised Civil Statutes of the State of Texas." The bill contemplates a change in the law relating to the making up and approval of statements of facts during vacation of court. The committee believe the present law on the subject, if properly enforced, to be sufficient, and for this reason, and for the further one, that in many portions of the State, it would often be entirely impracticable for one party, within the ten days after adjournment of court, to submit his statement of facts to the other party, and then present it to the judge, they have instructed me to report back the bill with recommendation that it do not pass.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 17, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, have considered Senate bill No. 167, and I am instructed to report the same back with recommendation that it do not pass.

The bill proposes to so change the law as to have juries to be composed of men who are skilled in some particular trade or occupation, when the suit is of a nature to require information peculiar to such trade or occupation. The disposition of men engaged in the same employment to aid each other in controversies with those who employ them, renders it more promotive of justice, in the judgment of your committee, to have them as witnesses than to have an entire jury composed of them.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 17, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 96, having for its object to regulate suits for and against persons convicted of felony, have considered the same, and instruct me to report the same back, with recommendation that it do not pass.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 17, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 177, have considered the same, and instructed me to report it back, with recommendation that it do pass.

The bill proposes to repeal articles 4462, 4464 and 4466 of the Civil Statutes which fix the salaries of certain chief clerks in the departments, and other subordinate officers. The amount of salary for those employees is fixed at each session in the appropriation bill, which, in the judgment of the committee, is itself a law fixing their compensation. The amounts fixed in those sections were disregarded at the last session in making appropriations, and have been again by the Finance Committee at the present session; some of them being regarded as too high and some too low. It is deemed better to leave the matter to the discretion of each Legislature.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 17, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 166, being "An act to amend articles 4506 and 4506 of the